

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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IN RE: : ORDER
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TERRORIST ATTACKS ON : 03 MDL 1570 (GBD) (SN)
SEPTEMBER 11, 2001 :
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This document relates to:

Burnett, et al. v. The Islamic Republic of Iran, et al., 15-cv-9903 (GBD) (SN)

**ORDER GRANTING PARTIAL FINAL DEFAULT JUDGMENT FOR THE *BURNETT*
PLAINTIFFS LISTED IN EXHIBITS A AND B**

GEORGE B. DANIELS, United States District Judge:

The *Burnett* Plaintiffs listed in Exhibits A and B move for entry of partial final default judgment against Defendants the Islamic Republic of Iran, the Islamic Revolutionary Guard Corps, and the Central Bank of the Islamic Republic of Iran (collectively, “Defendants”). (ECF Nos. 9985, 10011, 10016, 10288.¹) Upon consideration of the evidence and arguments set forth in the Declarations of John M. Eubanks, Esq. and the exhibits thereto (ECF Nos. 9987, 10015, 10018, 10290), and in light of the default judgment as to liability against Defendants entered on January 31, 2017 (ECF No. 3443),² together with the entire record in this case, it is hereby

ORDERED that service of process in the above-captioned case was properly effectuated upon Defendants (ECF No. 64 in No. 15-cv-9903); and it is

¹ Unless otherwise stated, all ECF citations included herein refer to documents filed on the 9/11 multidistrict litigation docket. *See In re Terrorist Attacks on Sept. 11, 2001*, No. 03-md-1570 (GBD) (SN).

² This Court adjudges Defendants liable to non-U.S. national *Burnett* Plaintiffs under New York law for substantially the same reasons as stated in this Court’s March 26, 2024 and June 17, 2024 Orders. (See ECF Nos. 9666, 9931.)

ORDERED that partial final judgment is entered on behalf of the *Burnett* Plaintiffs identified in Exhibits A and B against the Defendants³; and it is

ORDERED that the *Burnett* Plaintiffs identified in Exhibit A are awarded economic damages as set forth therein and as supported by the expert reports and analyses tendered in conjunction with the Eubanks Declarations (ECF Nos. 9987, 10015, 10018, 10290)⁴; and it is

ORDERED that the *Burnett* Plaintiffs identified in Exhibit A are awarded compensatory damages for decedents' pain and suffering in an amount of \$2,000,000.00 per estate, as set forth therein⁵; and it is

ORDERED that the *Burnett* Plaintiffs identified in Exhibit B are awarded solatium damages as set forth therein; and it is

ORDERED that the *Burnett* Plaintiffs receiving pain and suffering damages identified in Exhibit A are awarded prejudgment interest of 4.96 percent per annum, compounded annually, running from September 11, 2001 until the date of judgment; and it is

³ In their moving papers, certain *Burnett* Plaintiffs seek treble damages pursuant to the Anti-Terrorism Act ("ATA"), 18 U.S.C. § 2333. As ATA claims cannot be brought against sovereign defendants, *see* 18 U.S.C. § 2337(2), the *Burnett* Plaintiffs' motions are DENIED as to their requests for treble damages.

⁴ This Court was unable to find a motion to substitute naming Francisca A. Wester as the personal representative of the Estate of Laurie Ann Neira in the citations provided by the *Burnett* Plaintiffs in their default judgment motion cover sheet. (ECF No. 10297-1.) Therefore, their motion is DENIED without prejudice as to Ms. Wester's request for partial final default judgment.

⁵ In their moving papers, Plaintiffs Jessica Katherine Kostaris, as Personal Representative of the Estate of Bruce Henry Gary; Mary E. Andrews, as Personal Representative of the Estate of Michael Rourke Andrews; and Barbara E. DaMota, as Personal Representative of the Estate of Manuel John DaMota indicated that certain estates had previously received pain-and-suffering damages (*see* ECF No. 9987 ¶ 3), but in their proposed exhibits, these Plaintiffs did not indicate which estates had received pain-and-suffering damages. (*See* ECF No. 9988-3.) To avoid repetitive damage awards, these Plaintiffs' current requests for pain-and-suffering damages are DENIED without prejudice to renewal for estates that have not yet been awarded pain-and-suffering damages.

ORDERED that the *Burnett* Plaintiffs receiving economic damages identified in Exhibit A are awarded prejudgment interest of 4.96 percent per annum, compounded annually, running from the date indicated in the “Date of Report” column therein; and it is

ORDERED that the *Burnett* Plaintiffs identified in Exhibit B are awarded prejudgment interest of 4.96 percent per annum, compounded annually, running from September 11, 2001 until the date of judgment; and it is

ORDERED that the *Burnett* Plaintiffs identified in the attached Exhibits A and B may submit future applications for punitive or other damages at a later date consistent with any future rulings of this Court; and it is

ORDERED that the *Burnett* Plaintiffs not appearing on Exhibits A and B may submit in later stages applications for damages awards to the extent they have not done so already.

The Clerk of Court is directed to enter partial final default judgment for the *Burnett* Plaintiffs listed in Exhibits A and B. The Clerk of Court is further directed to close the motions at ECF Nos. 9985, 10011, 10016, and 10288 in 03-md-1570 and ECF Nos. 763, 770, 775, and 832 in 15-cv-9903.

Dated: September 5, 2024
New York, New York

SO ORDERED.

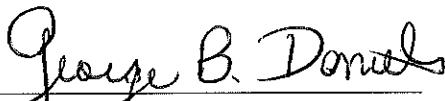

GEORGE B. DANIELS
United States District Judge

Exhibit A

Plaintiff, as Personal Representative of the Estate of 9/11 Decedent				9/11 Decedent						Claim Information			Pain & Suffering Damages		Economic Damages					
#	First	Middle	Last	Suffix	First	Middle	Last	Suffix	Nationality on 9/11	Date of Death	9/11 Site	Case	Complaint	Amendments & Substitutions	Prior Award	Amount	Report	Date of Report	Prior Award	Amount
1	Mary	E.	Andrews		Michael	Rourke	Andrews		U.S.	9/11/01	NY	15cv9903	15-cv-09903, 53, at 2898	9962, 10036		\$ -	9987-3	1/29/24	\$ 10,653,623.00	
2	Lenore	C.	Raimondi		Peter	Frank	Raimondi		U.S.	9/11/01	NY	15cv9903	15-cv-09903, 53, at 474			\$ 2,000,000.00	10015-2	1/13/20	\$ 10,246,956.00	
3	Helen	K.	Dawson		Anthony	Richard	Dawson		United Kingdom	9/11/01	NY	15cv9903	15-cv-09903, 53 at 3551	4778		\$ 2,000,000.00	10018-2	2/29/24	\$ 11,777,646.00	
4	Julia	Ann	Wells		Vincent	M.	Wells		United Kingdom	9/11/01	NY	15cv9903	15-cv-09903, 53, at 3614			\$ 2,000,000.00			\$ -	
5	Lillian		Baxter		Jasper		Baxter		U.S.	9/11/01	NY	15cv9903	15-cv-09903, 53, at 2958			\$ -	5975 at 37		\$ 7,225,970.00	
6	Lisa	T.	Dolan		Robert	E.	Dolan	Jr.	U.S.	9/11/01	VA	15cv9903	15-cv-09903, 53, at 3104			\$ -	9932 at 4		\$ 11,232,825.00	
7	Maryann	J.	O'Rourke		Kevin	M.	O'Rourke		U.S.	9/11/01	NY	15cv9903	15-cv-09903, 53, at 1830			\$ -	5975 at 428		\$ 9,889,913.00	
8	Corrine	E.	Bounty		Margaret	Mary	Conner		U.S.	9/11/01	NY	15cv9903	15-cv-09903, 53, at 2740	10282		\$ -	3666 at 3		\$ 4,711,372.00	

Exhibit B

Plaintiff, as Personal Representative of Solatium Plaintiff				Plaintiff				9/11 Decedent						Claim Information			Solatium Damages						
#	First	Middle	Last	Suffix	First	Middle	Last	Suffix	Nationality on 9/11	First	Middle	Last	Suffix	Nationality on 9/11	Date of Death	9/11 Site	Case	Complaint	Amendments & Substitutions	Relationship	Documentation	Prior Award	Amount
1	Patrice		Kelleher		James	T.	Donovan		U.S.	Jacqueline		Donovan		U.S.	9/11/01	NY	15cv9903	1:15-cv-09903, 53, at 2488	9965, 10037	Parent			\$ 8,500,000.00
2	Edward		Flanders		Patricia	E.	Flanders		U.S.	Vincent	D.	Kane	Jr.	U.S.	9/11/01	NY	15cv9903	1:15-cv-09903, 53, at 1315	9965, 10037	Sibling			\$ 4,250,000.00